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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

BEUS GILBERT PLLC,

Plaintiff/Stakeholder,

vs.

BRIGHAM YOUNG UNIVERSITY,
WEILIN XIE, DANIEL L. SIMMONS,

Defendants/Claimants.

**STATUS REPORT AND NOTICE OF
COMPLETION OF INTERNAL ACADEMIC
PROCEEDINGS**

Case No. 2:12-cv-00970-TS

Honorable Robert J. Shelby

On September 26, 2013, the Court granted Defendant Brigham Young University's Motion for Stay Pending Completion of Internal University Academic Procedures. On December 23, 2013, the Court entered an Order extending the stay until the earlier of the completion of the University's internal academic proceedings, or February 28, 2014. Pursuant to the Court's Order, the University hereby gives notice that the internal academic proceedings are complete.

Prior to and during the period of the stay, the University has overseen implementation of its Intellectual Property Policy (the “IP Policy”). On April 24, 2013, pursuant to the IP Policy, a Subcommittee was appointed comprised of three members. Each of the three is an accomplished scientist with exceptional qualifications. The Subcommittee was assigned to investigate the dispute between interpleader defendants/claimants Xie and Simmons.

Pursuant to the IP Policy the Subcommittee followed a thorough procedure consistent with academic proceedings. They outlined the methods and procedures in a letter to the parties in advance, and carefully implemented the process. They met in person several times and also had multiple conference calls to discuss the matter. The investigation included an opportunity for multiple written submissions, responses, a series of interviews, and final submissions.

Because the matters in dispute are complex, conducting the investigation and preparing a recommendation took many months. Over 9,000 pages were submitted by the parties and carefully reviewed by the Subcommittee. They conducted extensive in-person interviews with each of the disputants, and a series of additional interviews of other persons with knowledge relating to the dispute. The Subcommittee conducted its primary deliberations in person and examined and discussed the issues carefully and thoroughly.

At the conclusion of its investigation and deliberations, the Subcommittee prepared a lengthy memorandum containing its recommendation. As provided in the IP Policy, the recommendation was submitted to BYU’s Associate Academic Vice President for Research, who is charged by the IP Policy with making the final decision. The final decision adopted the recommendation of the Subcommittee, and the parties were so notified on February 25, 2014. Because the proceedings and conclusion are considered confidential, they are not attached or

described in detail here. Should the Court be inclined, BYU would not object to submission of the decision and the recommendation for in-chambers review.

The University expresses its appreciation to the Court for allowing time to complete its internal proceeding, and also to the parties who cooperatively participated in the process.

BYU's internal academic proceedings are complete and it is prepared to implement the final decision rendered pursuant to the IP Policy.

Respectfully submitted this 25th day of February, 2014.

PARR BROWN GEE & LOVELESS

By /s/ Robert S. Clark
Robert S. Clark
Attorneys for Defendant Brigham Young
University

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of February, 2014, I electronically filed the foregoing **STATUS REPORT AND NOTICE OF COMPLETION OF INTERNAL ACADEMIC PROCEEDINGS** with the Clerk of Court using the CM/ECF system which sent notification of such filing to the following:

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